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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,140	04/23/2004	Takashi Okazoe	252019US0CONT	7426

  

22850	7590	03/29/2007
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314		

  

EXAMINER	
HU, HENRY S	

  

ART UNIT	PAPER NUMBER
1713	

  

NOTIFICATION DATE	DELIVERY MODE
03/29/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/830,140

Applicant(s)

OKAZOE ET AL.

Examiner

Henry S. Hu

Art Unit

1713

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 08 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 11-17.  
Claim(s) withdrawn from consideration: 1-10 and 18.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

*Hs 107*

*3-23-2007*

*David W. Wu*

DAVID W. WU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

Continuation of 3. NOTE: The amendment after final has been thoroughly studied by this examiner. However, it does not place the application for allowance after final action because:

The amendment on dependent Claim 14 is only to correct a typographical error. Therefore, current parent Claim 11 and its dependent Claims 12-17 are not further amended at all, they are thereby still fundamentally covered by those arguments discussed in the final office action. However, the examiner has recognized at least three key points from pages 12-14, particularly from Applicants' argument on page 13 of Remarks.

First, in responding to two 103 rejections Applicants continues to argue that each of two primary references including Kazuya and Okazoe does not disclose the claimed compound of formula 7-1 at all. This is based on the fact that the R1 group of Kazuya or the compound Ve-50 shown in Example 27 of Okazoe does not carry the attachment of fluorosulfonyl as end group. Connolly only discloses the preparation of vinyl ether carrying fluorosulfonyl end group; Connolly does not teach the motivation to add such a fluorosulfonyl endgroup onto Kazuya or Okazoe's monomeric compound. A close check to see the motivation is needed. Even it may take a lot of synthetic effort so as to possibly achieve the claimed structure. However, it is a fact that Connolly has already prepared similar fluorine-containing polymers with linear monomer having ether type linkage with the attachment of fluorosulfonyl functional end group. The structure skeleton of Connolly's linear monomer is at least somewhat similar to the claimed cyclic monomer compound. The current key point is on the issue of linear/cyclic skeleton. However, it may not be critical.

Second, in order to be further distinguished from the teaching of secondary reference Connolly, Examiner again suggests adding at least some structure-property relationship, particularly due to the existence of dioxole five-membered ring (cyclic) structure.

Third, Examiner will also need to closely check the improved characteristics by using such a cyclic structure as cited on page 13 at bottom section of Remarks. An improved result may be just a good or better result and it is thereby not necessarily to be an unexpected result.

In summary, a new consideration and search is thereby required to be sure of all the above three questions being thoroughly answered.

H. L. J.  
3-23-2007